

1 STATE OF MINNESOTA DISTRICT COURT

2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

3 - - - - -

4 The State of Minnesota,

5 by Hubert H. Humphrey, III,

6 its attorney general,

7 and

8 Blue Cross and Blue Shield

9 of Minnesota,

10 Plaintiffs,

11 vs. File No. C1-94-8565

12 Philip Morris Incorporated, R.J.

13 Reynolds Tobacco Company, Brown

14 & Williamson Tobacco Corporation,

15 B.A.T. Industries P.L.C., Lorillard

16 Tobacco Company, The American

17 Tobacco Company, Liggett Group, Inc.,

18 The Council for Tobacco Research-U.S.A.,

19 Inc., and The Tobacco Institute, Inc.,

20 Defendants.

21 - - - - -

22 DEPOSITION OF PATRICK L. STONE

23

24

25

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1 (The following is the Deposition of PATRICK
2 L. STONE, taken pursuant to Notice of Taking
3 Deposition, by videotape, at the offices of Robins
4 Kaplan Miller & Ciresi, Attorneys at Law, 2800
5 LaSalle Plaza, 800 LaSalle Avenue, Minneapolis,
6 Minnesota, on September 29, 1997, commencing at
7 approximately 9:56 o'clock a.m.)

8

9 APPEARANCES:

10 On Behalf of the Plaintiffs:

11 Martha K. Wivell
12 Robins, Kaplan, Miller & Ciresi LLP
13 Attorneys at Law
14 2800 LaSalle Plaza
15 800 LaSalle Avenue
16 Minneapolis, Minnesota 55402

17

18 On Behalf of Philip Morris Incorporated:

19 Randall Frykberg
20 Dorsey & Whitney
21 Attorneys at Law
22 Pillsbury Center South
23 220 South Sixth Street
24 Minneapolis, Minnesota 55402-1498

25

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1 On Behalf of Brown & Williamson Tobacco
2 Corporation:

3 Todd A. Gale
4 Kirkland & Ellis
5 Attorneys at Law
6 200 East Randolph Drive, 59th Floor
7 Chicago, Illinois 60601

8
9 Jack M. Fribley
10 Faegre & Benson
11 Attorneys at Law
12 2200 Norwest Center
13 90 South 7th Street
14 Minneapolis, Minnesota 55402

15
16 On Behalf of Lorillard Tobacco Company:

17 Howard A. Roston
18 Doherty, Rumble & Butler
19 Attorneys at Law
20 2800 Minnesota World Trade Center
21 30 East Seventh Street
22 St. Paul, Minnesota 55101-4999

23
24
25

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C O N F I D E N T I A L

4

1 E X A M I N A T I O N I N D E X

2 WITNESS EXAMINED BY PAGE

3 Patrick L. Stone Ms. Wivell 5

4

5 E X H I B I T I N D E X

6 EXHIBIT DESCRIPTION PAGE

7 (Plaintiffs')

8 4411 Document from J.V.B., Re: B&W, 44

9 Joseph Field, Stanley Frank, and

10 True Magazine, 690012567 to 2569

11 4412 Article, "to smoke or not to 46

12 smoke - that is still the question,

13 by Stanley Frank, 50032 3725 to 3744

14 4413 "The other side, The smoking and 48

15 health controversy," From White

16 Paper No. 1, 680262495

17 4414 "No. 1 of a series in the public 50

18 interest, Controversy: The right

19 of dissent," 690029613 to 9618

20 4415 News Release, 5/10/94, 202337394 56

21 4416 "Questions on Tobacco," 680908683 67

22 to 8687

23

24

25

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1 P R O C E E D I N G S

2 (Witness sworn.)

3 PATRICK L. STONE,

4 called as a witness, being first duly

5 sworn, was examined and testified as

6 follows:

7 ADVERSE EXAMINATION

8 BY MS. WIVELL:

9 Q. Sir, would you introduce yourself to the ladies
10 and gentlemen of the jury?

11 A. My name is Patrick Stone.

12 Q. By whom are you employed, Mr. Stone?

13 A. Brown & Williamson Tobacco Corporation.

14 Q. How long have you been employed by Brown &
15 Williamson?

16 A. A little over eight years.

17 Q. What is your position?

18 A. I am senior manager of communications and public
19 affairs.

20 Q. Could you give the jury briefly a description of
21 your responsibilities as senior manager of
22 communication and public affairs.

23 A. My current responsibilities include both
24 communications, public affairs function for Brown &
25 Williamson's operating locations, including our Macon

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1 cigarette manufacturing facility and other operating
2 locations in Virginia, Pennsylvania, North Carolina.

3 Q. What do you mean by "communications and public
4 affairs functions"?

5 A. Internal communications for our employees, also
6 community relations, public relations, to some extent
7 issues management, a variety of what would typically
8 be communications and public affairs functions for a
9 corporation.

10 Q. Are you responsible, for example, for Brown &
11 Williamson's press releases?

12 A. Some press releases, yes.

13 Q. Press releases related to what issues are you
14 responsible for?

15 A. In the current position most of the press
16 releases would involve an expansion of our facility
17 or information about our operations.

18 Q. Are you also responsible for public statements
19 regarding smoking and health?

20 A. I would be responsible for those. We actually
21 don't have many requests for information on
22 statements on public -- or public statements on
23 smoking and health.

24 Q. Well sir, you have from time to time -- I'm
25 sorry. Strike that.

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1 Brown & Williamson has from time to time issued
2 press releases relating to smoking-and-health issues,
3 hasn't it?

4 A. Certainly about issues related to smoking and
5 health, that's correct.

6 Q. Are you responsible for those press releases
7 relating to issues concerning smoking and health?

8 MR. GALE: Object, vague as to time
9 period.

10 A. Currently my responsibilities are that I -- as
11 far as press releases would be concerned, they would
12 really communicate about the operations of the
13 facilities.

14 Q. Well I guess what -- my question has to do, sir,
15 less with the operations of Brown & Williamson but
16 with what it has said publicly since you've assumed
17 this position with regard to smoking and health.

18 Have press releases been issued relating to
19 smoking-and-health issues since you got your
20 position?

21 A. In this current position I have not been
22 responsible for any issue of press releases
23 concerning smoking and health.

24 Q. How long have you held your present position?

25 A. Present position, a little over three years.

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1 Q. Who held the position before you?

2 A. A gentleman by the name of Steve Cohen --

3 Q. Now sir --

4 A. -- had a similar position.

5 Q. Now sir, have any press releases been issued in
6 the last three years regarding smoking and health?

7 A. Off the top of my head I would have to go back
8 and look. I don't know. Again, I don't recall
9 specifically issuing any.

10 Q. Sir, you understand that the plaintiffs in this
11 case issued a deposition notice to Brown & Williamson
12 for what's called a Rule 30.02(f) deposition; right?

13 A. I understood -- I don't know the technical name,
14 but I do understand that there was a request, yes.

15 Q. All right. And the plaintiffs in this case ask
16 Brown & Williamson to produce someone to testify
17 about public statements relating to the health
18 effects of smoking, and addiction and scientific
19 research; right?

20 MR. GALE: Object to the extent it calls
21 for a legal conclusion.

22 A. I haven't seen that specific document. I'm not
23 sure. I would assume that that was the general
24 understanding that it was to talk about our public
25 position on smoking and health, that's correct.

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1 Q. All right. And sir, you understand that you're
2 here today as Brown & Williamson's spokesperson to
3 talk about the health effects of smoking, addiction
4 and scientific research; right?

5 MR. GALE: Objection to the extent it calls
6 for a legal conclusion.

7 A. As far as I understand, I'm here to try and
8 respond to your questions about our public position
9 on smoking and health.

10 Q. Well you understand that you're here as Brown &
11 Williamson's spokesperson, don't you?

12 MR. GALE: Same objection.

13 A. I am here representing Brown & Williamson,
14 that's correct.

15 Q. And you understand that Brown & Williamson
16 designated you as its corporate representative to
17 speak on its behalf in this deposition; right?

18 MR. GALE: Same objection.

19 A. Well again, I don't know the legal definition,
20 but yes, I'm here to try and respond to your
21 questions.

22 Q. And you understand that this deposition you're
23 speaking for Brown & Williamson.

24 MR. GALE: Same objection.

25 A. Again, I can't make that legal conclusion. I am

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1 representing the company today, that's correct.

2 Q. Well have you consented to represent the company
3 today?

4 A. Yes.

5 Q. All right. And you understand that your
6 testimony here today is binding on Brown &
7 Williamson?

8 MR. GALE: Object to the extent it calls
9 for a legal conclusion.

10 A. I guess I'm not a lawyer, I can't determine
11 what's binding and what's not. All I can do is say
12 that I'm trying to answer your questions and will try
13 to answer your questions.

14 Q. Do you have authority to speak for Brown &
15 Williamson during today's deposition?

16 MR. GALE: Same objection.

17 A. Again I don't know from a legal standpoint, but
18 certainly I think the company agreed to have me here
19 so I would say that I am representing the company at
20 least as best I can.

21 Q. Do you understand that the answers which you
22 give in this deposition to the questions I ask must
23 be answered fully based not only on what you know
24 personally, but also knowledge available to Brown &
25 Williamson?

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1 MR. GALE: Objection to the extent it calls
2 for a legal conclusion.

3 A. Well certainly to the extent of the information
4 that I have available or that I'm aware of, I'd be
5 glad to try and respond to that. But could I speak
6 to everything that the company has as far as
7 knowledge, that would be impossible I think for
8 anyone to do.

9 (Interruption by the reporter.)

10 Q. Is there anyone else at Brown & Williamson who's
11 better qualified or more suitable -- suitable to
12 testify regarding public statements that Brown &
13 Williamson has made relating to smoking effects -- to
14 health effects of smoking and addiction?

15 MR. GALE: Objection to the extent it calls
16 for a legal conclusion. Object to the extent it
17 calls for speculation.

18 A. I'm not aware of anybody else that would be more
19 appropriate. I certainly, as I said, will try and
20 answer your questions.

21 Q. Now from time to time I'm going to refer to the
22 lawsuit brought on behalf of the State of Minnesota
23 and Blue Cross\Blue Shield against Brown & Williamson
24 and the other defendants as "this case." Can we
25 agree that when we refer to "this case," that's what

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1 we mean?

2 A. Yes.

3 Q. Okay. Can we also agree that unless my
4 questions ask for information -- Sorry. Strike
5 that.

6 Sir, isn't it true -- I'm sorry.

7 What did you do to prepare for this deposition?

8 A. I tried to read through a series of -- of
9 documents that may be responsive to some of the
10 questions that you'd have.

11 Q. What documents did you look at?

12 A. They included a variety of materials concerning
13 Brown & Williamson's smoking-and-health positions,
14 positions -- statements on smoking and health, a
15 variety of scientific documents.

16 Q. Did these documents that you reviewed span a
17 period that went back a number of years?

18 A. Yes, I think the earliest started in about
19 1954.

20 Q. Have you done anything else to prepare for your
21 deposition?

22 A. No.

23 Q. Was any testimony read to you?

24 A. No.

25 Q. Did you read any testimony that's been taken in

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1 this case?

2 A. Yes.

3 Q. Which testimony did you read?

4 A. I read Scott Appleton's testimony, or at least
5 scanned that, read parts of it.

6 Q. All right. Did you read any other testimony
7 that's been taken in this case?

8 A. No.

9 Q. Did you read any other testimony that's been
10 taken in any other smoking-and-health-related case?

11 A. I don't know if any of the other material was
12 used as testimony, but it did not appear to be direct
13 testimony.

14 Q. Well sir, turning to the issue of Brown &
15 Williamson's statements that have been made with the
16 -- with regard to the issue of smoking and health,
17 would you agree that Brown & Williamson has been
18 engaged in a decades-long attempt to deny that there
19 were health effects associated with smoking?

20 A. No.

21 Q. All right. Well sir, you would agree after your
22 review of Brown & Williamson's documents, that Brown
23 & Williamson has been engaged in a decades-long
24 attempt to diminish, in the public view, the health
25 effects associated with smoking.

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1 MR. GALE: Object to the extent counsel's
2 quoting from a document and not showing it to the
3 witness.

4 A. I guess my view is that Brown & Williamson has
5 continued to try and speak honestly about its
6 conclusions concerning its position on smoking and
7 health.

8 Q. You would agree, sir, it would be very important
9 for Brown & Williamson to speak honestly about what
10 it knew about smoking-and-health-related issues,
11 wouldn't you?

12 A. It would be important for a company to
13 communicate its position on smoking and health.

14 Q. Well I'm not sure that answers my question,
15 sir.

16 Let me put it this way. In communicating its
17 position on smoking and health as you just mentioned,
18 you would agree that Brown & Williamson had a
19 responsibility to speak honestly about what it knew.

20 MR. GALE: Objection, asked and answered.

21 A. It would speak honestly about the conclusions it
22 has on smoking and health, that's correct.

23 Q. And you would agree it would be wrong if Brown &
24 Williamson did not speak honestly about the
25 conclusions it had about smoking and health; right?

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1 A. It would be inappropriate for a company to not
2 speak honestly, that's correct.

3 Q. It would be wrong for a company to make untrue
4 or misleading statements about smoking-and-health
5 issues to the public, wouldn't it, sir?

6 A. If they knew them to be untrue, that is correct.

7 Q. You would also agree it would be inappropriate
8 for Brown & Williamson to make misleading comments to
9 the public about what it knew about smoking and
10 health.

11 A. Again, if it determined that they were
12 misleading, then it would be inappropriate.

13 Q. Because you would agree that Brown & Williamson
14 had a responsibility not to try and lead smokers
15 astray about what it knew about smoking and health;
16 right?

17 MR. GALE: Objection to the extent it calls
18 for a legal conclusion.

19 A. Certainly my opinion is that the company has a
20 responsibility that when it makes a determination on
21 a smoking-and-health issue, that it communicate that
22 information to those who request it.

23 Q. Well sir, Brown & Williamson in 1954 published
24 what's been called A Frank Statement to Cigarette
25 Smokers; right?

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1 A. I don't think Brown & Williamson published it, I
2 think Brown & Williamson was one of the sponsors for
3 that.

4 Q. Well by sponsoring it, it paid for the
5 publication of the ad in 484 -- I'm sorry, strike
6 that.

7 By sponsoring it, Brown & Williamson paid for
8 the publication of A Frank Statement to Cigarette
9 Smokers which appeared in 448 newspapers throughout
10 the United States; right?

11 MR. GALE: Object, lacks foundation, calls
12 for speculation.

13 A. I do not know if it was paid for by Brown &
14 Williamson or partially paid for by Brown &
15 Williamson.

16 Q. Well you do know that Brown & Williamson
17 sponsored it; right?

18 A. I believe, if I could look at it, I believe
19 Brown & Williamson is acknowledged as a sponsor, yes.

20 Q. Sir, showing you what's been marked as Sistad
21 Exhibit 2, this is A Frank Statement to Cigarette
22 Smokers; right, sir?

23 A. That's correct.

24 Q. And it clearly shows Brown & Williamson as a
25 sponsor of the statement; right?

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1 A. That's correct.

2 Q. And the statement ends --

3 You've read it before, haven't you?

4 A. I have.

5 Q. The statement ends with the pledge, "This
6 statement is being issued because we believe the
7 people are entitled to know where we stand on this
8 matter and what we intend to do about it"; right?

9 MR. GALE: Object to the characterization.

10 A. The -- Certainly the advertisement has those
11 words at the end, that's correct.

12 Q. All right. And one of the things that this
13 says, this Frank Statement, at point number 3, is
14 "that there is no proof that cigarette smoking is
15 one of the causes," and what's referred to there is
16 one of the causes of lung cancer; right?

17 MR. GALE: Where specifically in the
18 document are you referring to, counsel? If the
19 witness knows, then that's fine.

20 A. You're talking about the first item number 3?

21 Q. The first point 3, yes.

22 A. Okay.

23 Q. Sir, there it says, at point 3, "...there is no
24 proof that cigarette smoking is one of the causes";
25 right?

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1 A. That's what the words say, that's correct.

2 Q. All right. And sir, you understand that what is
3 being referred to there is that there was no proof
4 that cigarette smoking was one of the causes of lung
5 cancer; right?

6 A. If I could, let me just read the previous and
7 make sure that that's correct.

8 It appears that the previous statements do
9 reference lung cancer specifically.

10 Q. Now sir, you would agree that not only did Brown
11 & Williamson have a responsibility to communicate
12 what it knew about lung cancer before this ad, but
13 that after the Frank Statement Brown & Williamson
14 basically promised people that it would let the
15 public know where Brown & Williamson stood on the
16 issue of smoking and health; right?

17 MR. GALE: Objection, mischaracterizes the
18 document, calls for a legal conclusion.

19 A. Are you referring to a specific statement?

20 Q. Well, sir, you've read the Frank Statement to
21 cigarette smoking you said; right?

22 A. Correct.

23 Q. And this statement has been characterized by
24 another person who testified for Brown & Williamson
25 that it was a solemn promise to cigarette smokers.

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1 Do you believe that Brown & Williamson was making a
2 solemn promise to let people know the facts about
3 cigarette smoking when it published this ad?

4 MR. GALE: Objection, lacks foundation,
5 mischaracterizes prior testimony.

6 A. I can't speak for what anybody else has said.
7 From my understanding, it -- the words speak for
8 themselves, and I can't really characterize it. I
9 wasn't a part of the company and certainly wasn't a
10 part of this in 1954.

11 Q. Well you would agree that people who believe --
12 or, I'm sorry.

13 You would agree that people who read the
14 statement, "This statement is being issued because we
15 believe...people are entitled to know where we stand
16 on this matter and what we intend to do about it,"
17 they had a reasonable right to believe what Brown &
18 Williamson was saying; right?

19 MR. GALE: Objection, calls for
20 speculation, calls for a legal conclusion.

21 A. I can't speak to what people may infer from
22 reading it.

23 Q. Well sir, Brown & Williamson spent money to help
24 sponsor the Frank Statement, didn't it?

25 A. I don't know that. Are you aware or do you have

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1 any information about our payment for this?

2 Q. Well sir, I'm asking you.

3 Did Brown & Williamson pay for this ad, part of
4 this ad?

5 A. I do not know.

6 Q. All right.

7 A. We are listed as a sponsor, that would infer
8 that we had a sponsorship role. Whether that
9 included money, I do not know.

10 Q. All right. Well you would agree that people
11 reading this Frank Statement should reasonably be
12 able to believe that what's said here is true;
13 right?

14 MR. GALE: Objection, calls for
15 speculation, calls for a legal conclusion.

16 A. My understanding is that it was a communication
17 from the tobacco industry to smokers, and certainly
18 the intent would have been that it would have been
19 factual information.

20 Q. All right. And sir, also it would be reasonable
21 to assume that Brown & Williamson and the other
22 sponsors intended smokers to read it and to have
23 confidence that what was said here was true; right?

24 MR. GALE: Objection, calls for
25 speculation, calls for a legal conclusion.

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1 A. This would be again based on the perspective of
2 the tobacco industry.

3 Q. Well -- But you are agreeing with my question,
4 that the person who read this reasonably could expect
5 that the people who sponsored this ad or the
6 companies that sponsored this ad would be setting
7 forth true and accurate facts; right?

8 MR. GALE: Objection, calls for
9 speculation, calls for a legal conclusion,
10 mischaracterizes prior testimony.

11 A. I would assume at the time that the people who
12 authorized this statement to be put out would have
13 obviously wanted it to be factual information. That
14 is my understanding.

15 Q. And they would have wanted people who were
16 reading it to believe what was said here; right,
17 sir?

18 MR. GALE: Objection, calls for
19 speculation, calls for a legal conclusion.

20 A. They would have wanted people to believe the
21 position of the tobacco industry.

22 Q. As stated in the Frank Statement to Cigarette
23 Smokers; right?

24 A. They would have --

25 MR. GALE: Same objection.

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1 A. They would have wanted smokers to believe the
2 position of the tobacco industry, --

3 Q. And that position --

4 A. -- as stated.

5 Q. -- is stated in the Frank Statement to Cigarette
6 Smokers; right?

7 A. At that time, correct.

8 MR. GALE: Same objection.

9 Q. By the way, did Brown & Williamson ever take out
10 ads in 448 newspapers saying that the Frank Statement
11 was wrong?

12 A. I'm not aware of ads specifically relating to
13 the Frank Statement or other ads. If you've got
14 them, I'd be glad to take a look at them.

15 Q. I'm just wondering, in your historical review in
16 preparation for this deposition did you see a single
17 ad that Brown & Williamson took out that said
18 anything to the effect that the Frank Statement was
19 incorrect?

20 MR. GALE: Objection, lacks foundation.

21 A. Well again, I'm not sure where the conclusion is
22 that -- that the Frank Statement is incorrect, but to
23 the extent have I seen other ads similar to this, I
24 have not.

25 Q. Well sir, putting aside the Frank Statement for

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1 a moment, have you seen a single ad that Brown &
2 Williamson took out or sponsored that retracted
3 anything that was said in the Frank Statement?

4 A. I have not seen that ad, that's correct.

5 Q. All right. Have you spoken with anyone at Brown
6 & Williamson to find out why the Frank Statement was
7 taken out?

8 A. I have not.

9 Q. Now sir, you would agree that in the Frank
10 Statement, Brown & Williamson and the other sponsors
11 agreed to cooperate closely with those whose task it
12 was to safeguard the public health; right?

13 MR. GALE: Objection, calls for a legal
14 conclusion, it's not clear whether you're quoting
15 from a document.

16 A. Is there a specific reference? I'm just -- Is
17 there a specific reference?

18 Q. Do you remember, sir?

19 A. Do I remember? I'm sorry.

20 Q. Yes, having read the Frank Statement, do you
21 remember whether in that Frank Statement the sponsors
22 agreed to cooperate with those whose task it was to
23 safeguard the public health?

24 MR. GALE: Same objection.

25 A. I don't know if those specific words were used.

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1 I'd be glad to read it and try and refer to it.

2 Q. Well in the second column from the left, the
3 second-to-the-last paragraph begins, "We always have
4 and always will cooperate closely with those whose
5 task it is to safeguard the public health." Do you
6 see that, sir?

7 A. Yes, I do.

8 Q. You would agree that Brown & Williamson, as a
9 sponsor of the Frank Statement, promised to cooperate
10 closely in the future with those whose task it was to
11 safeguard the public health; right?

12 MR. GALE: Objection, calls for a legal
13 conclusion.

14 A. Again I can't speak specifically to what the
15 inference was by the people who wrote it, but that
16 would appear to be the objective.

17 Q. Now who, as you sit here, do you believe had the
18 responsibility to safeguard the public health?

19 MR. GALE: Objection, calls for a legal
20 conclusion.

21 A. Safeguard the public health to what extent? I'm
22 not sure I understand.

23 Q. Well, I'm not sure I understand, then.

24 It says here, "We always have and always will
25 cooperate closely with those whose task it is to

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1 safeguard the public health"; right?

2 A. Correct.

3 Q. Did those --

4 Does that refer to people like the FDA?

5 MR. GALE: Objection, calls for

6 speculation, calls for a legal conclusion.

7 A. I would generally say that that refers to the

8 public health community.

9 Q. Oh, like the American Medical Association?

10 MR. GALE: Same objection.

11 A. I guess everybody's definition is different

12 about what the public health community is. Certainly

13 government, independent agencies would have different

14 roles in public health.

15 Q. Well sir, does that -- would the -- those

16 responsible for the public health at that reference

17 here include the American Lung Association?

18 MR. GALE: Same objection.

19 A. Again, it could include the lung association,

20 that's an independent agency as I understand, it is

21 not a government agency.

22 Q. Well, did you understand this to include just

23 government agencies, or was Brown & Williamson here

24 promising to cooperate closely with people like the

25 American Cancer Association?

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1 MR. GALE: Objection, calls for
2 speculation, calls for a legal conclusion.

3 A. Again I think the statement speaks for itself,
4 that you'd have to really ask the people who wrote it
5 their specific definition, but it would generally be
6 those whose task it is to -- to safeguard public
7 health.

8 Q. Well sir, you would agree that Brown &
9 Williamson, when it places -- Strike that.

10 You called this an ad earlier, didn't you?

11 MR. GALE: Objection, the record speaks for
12 itself.

13 A. I don't remember, to be quite honest. I think
14 maybe you referenced it first as an advertisement.

15 Q. Well just so we're clear here, when Brown &
16 Williamson takes out ads or places statements like
17 the Frank Statement, it does so in hoping that it
18 will be seen; right?

19 MR. GALE: Objection, compound.

20 Q. Let me rephrase the question.

21 When Brown & Williamson took out the Frank
22 Statement, it did so in hoping that it would be seen;
23 right?

24 A. I can't speak again for the specific purpose at
25 the time because I wasn't around and I haven't talked

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1 to anybody who was, but I would certainly assume that
2 an advertisement would be with the purpose to try and
3 communicate to the public.

4 Q. Sir, you would agree that Brown & Williamson
5 expects that ads that it takes out or statements that
6 it makes in the form of press releases would be read
7 and heard by the public, smokers and nonsmokers
8 alike; right?

9 MR. GALE: Objection, compound, goes beyond
10 the 30.02(f) designation for this witness.

11 A. My understanding would be that the information
12 that's shared would be available for the public,
13 including smokers.

14 Q. And that would be the public, including people
15 in Minnesota; right?

16 A. That would be people, including in Minnesota,
17 would certainly be a part of the audience, could be.

18 Q. And when Brown & Williamson takes out ads or
19 makes -- or issues press releases, it hopes that
20 people will read them and hear them and rely on them;
21 isn't that true?

22 MR. GALE: Objection, compound, goes beyond
23 the 30.02(f) designation for this witness.

24 A. I'm not sure what you mean by "rely" upon them.
25 Certainly it would be to put the information out, and

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1 it would be a position stated by the company.

2 Q. Well you want people to have confidence in the
3 position stated by the company; right?

4 A. We would hope that people would believe the
5 information that's being provided by the company as
6 its position or its factual conclusion on information
7 that it might be speaking about.

8 Q. And sir, Brown & Williamson has in the past made
9 statements to the public concerning the issue of
10 whether smoking causes disease; right?

11 A. Brown & Williamson has made statements
12 concerning the causation or the issue of smoking and
13 disease.

14 Q. And in fact Brown & Williamson has made
15 statements to the effect that the issue of whether
16 cigarette smoking causes disease is still a
17 controversy; right?

18 A. I would say that I've certainly seen that term,
19 whether it's been a part of a specific document, if
20 you have it I'd be glad to take a look at it, but I
21 would say that the word controversy has probably been
22 used in some document.

23 Q. And sir, Brown & Williamson put out those
24 advertisements or statements claiming that there was
25 still a controversy about whether smoking caused

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1 disease in hopes that people would believe that;
2 right?

3 A. Well again, I don't think the intent is that
4 hopes that people would believe it, they would put it
5 out as a factual statement as the company's position.

6 Q. Well sir, if they didn't want people -- if Brown
7 & Williamson didn't want people to believe it, Brown
8 & Williamson could have kept its opinions to itself,
9 couldn't it?

10 MR. GALE: Objection, calls for
11 speculation, hypothetical.

12 A. Well certainly the company, when asked, would
13 put out information concerning smoking and health if
14 the intent is to either respond to a question or to
15 convey information. I'm not sure I understand how
16 else it would be used.

17 Q. Well sir, you have reviewed an ad that was taken
18 out by the Tobacco Industry Research Committee and
19 The Tobacco Institute entitled statement about
20 tobacco and health; haven't you?

21 A. I'm not sure I have seen that.

22 Q. Sir, showing you what's been marked as
23 Plaintiffs' Exhibit 3504, this is a document that was
24 sponsored in part by the Tobacco Institute; wasn't
25 it?

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1 MR. GALE: Do we have a date on this
2 anywhere, counsel? Objection, unclear as to date.

3 A. I -- Again, I don't remember seeing this
4 document previously. Certainly at the bottom of the
5 page it references the Tobacco Institute.

6 Q. And Brown & Williamson has been a member of the
7 Tobacco Institute ever since the Tobacco Institute
8 was formed, hasn't it, sir?

9 A. I don't believe that's true. Brown & Williamson
10 most recently has been a member of the Tobacco
11 Institute since about 1992 I think.

12 Q. But back in the '50s and '60s when the Tobacco
13 Institute was formed, Brown & Williamson was a
14 founding member, wasn't it?

15 A. I do not know if Brown & Williamson was a
16 founding member. I believe Brown & Williamson was a
17 member in that time frame. The specific years I do
18 not know.

19 Q. All right. Now sir, this document says, serious
20 -- begins, "Serious charges have been made about
21 tobacco use.

22 "The tobacco industry has taken these charges
23 seriously.

24 "We recognize that we have a special
25 responsibility to the public - to help scientists

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1 determine the facts about tobacco and health, and
2 about certain diseases" which "have been associated
3 with tobacco use"; right?

4 A. Actually it says "certain diseases that have
5 been associated with tobacco use."

6 Q. Apart from that I read it correctly; right?

7 A. Correct.

8 Q. Now did Brown & Williamson recognize that it had
9 a special responsibility to the public to help
10 determine whether smoking caused disease?

11 MR. GALE: Objection to the extent there's
12 no foundation linking this document to Brown &
13 Williamson. But if you can answer the question,
14 that's fine.

15 A. I really can't. I don't know what Brown &
16 Williamson's position may have been.

17 Q. Well assuming that Brown & Williamson was a
18 member of the Tobacco Institute at the time that this
19 statement about tobacco and health was published, you
20 would agree that Brown & Williamson then would have
21 recognized it had a special responsibility to the
22 public concerning the issues of smoking and health;
23 right?

24 MR. GALE: Objection, calls for
25 speculation, calls for a legal conclusion.

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1 A. I guess there are a couple of points. First of
2 all, I don't know any reference to the time frame
3 that this was produced so I have no idea whether
4 Brown & Williamson was a member or was not a member.

5 As far as Brown & Williamson's specific
6 agreement to this statement, I can't speak to that
7 either. I don't know whether Brown & Williamson
8 agreed to this or did not even if we were a member at
9 the time.

10 Q. All right. Well sir, would you take a moment
11 and just review the Exhibit 3504 statement about
12 tobacco and health.

13 A. Okay.

14 Q. Sir, turning back to the Frank Statement for a
15 moment, there Brown & Williamson as one of the
16 sponsors signed on to a statement, quote, "We accept
17 an interest in people's health as a basic
18 responsibility, paramount to every other
19 consideration in our business." Did I read that
20 correctly?

21 MR. GALE: Objection to the extent it calls
22 for a legal conclusion.

23 A. You read that statement correctly. Whether
24 Brown & Williamson bought into that or agreed to that
25 particular statement, I can't speak to that.

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1 Q. Well you've read the Frank Statement to
2 Cigarette Smokers; right?

3 A. That's correct.

4 Q. It doesn't tell the person reading the Frank
5 Statement that Brown & Williamson takes any exception
6 to that particular part, does it?

7 A. That's correct.

8 Q. And in your historical review and preparation
9 for this deposition you didn't find any document
10 which basically repudiated or retracted that part of
11 the Frank Statement, did you, sir?

12 A. I can't recall any.

13 Q. Now you would agree that a company that adopts
14 an interest in people's health as its basic
15 responsibility paramount to any other consideration
16 in its business would want to tell the truth about
17 disease and its connection to smoking; right?

18 MR. GALE: Object to the extent it calls
19 for a legal conclusion.

20 A. Well all I can really speak to is what the
21 document says. Certainly the intent would be that we
22 would speak -- continue to communicate on our
23 position.

24 Q. Well sir, do either the Frank Statement or the
25 Statement About Tobacco and Health tell smokers that

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1 scientific opinion in the U.S.A. does not seriously
2 doubt the statistical correlation between smoking and
3 health?

4 MR. GALE: Objection.

5 A. I'd have to read this specific document again.
6 I'm not familiar that those words are there. That's
7 correct.

8 Q. You just read the statement about tobacco and
9 health; right?

10 A. That's correct.

11 Q. And you have read in the past A Frank Statement
12 to Cigarette Smokers; right?

13 A. That's correct.

14 Q. And you would agree that neither tells the
15 smoker that the -- that there is a real
16 cause-and-effect relationship between smoking and
17 health.

18 MR. GALE: Objection.

19 Q. I'm sorry, strike that.

20 You would agree that neither tells the smoker
21 that there is a real cause-and-effect relationship
22 between smoking and disease.

23 MR. GALE: Objection.

24 A. I'm not sure I understand -- If you're saying
25 are those words in there, I don't believe they are.

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1 Q. Well sir, you know they're not, don't you?

2 MR. GALE: Asked and answered.

3 A. As I said, I don't believe they are. If you'd
4 like me to take a specific reference and
5 cross-reference it, I'd be glad to, but I think that
6 wouldn't meet your purpose.

7 Q. Well sir, does --

8 MR. GALE: I don't think Mr. Stone was done
9 with his answer.

10 Q. I'm sorry. Were you done?

11 A. I just said I'm not sure if that would serve
12 your purpose. If you have a specific question you'd
13 like me to look at, I'd be glad to. But if you'd
14 like me to cross-reference it, I will.

15 Q. Well sir, is there any evidence in either the
16 Frank Statement or the Statement about Tobacco and
17 Health that tells smokers that animal studies have
18 confirmed that smoke condensate is carcinogenic in
19 animals?

20 MR. GALE: Object, calls for a legal
21 conclusion.

22 A. Again, I'm not aware of that statement in here.
23 I'd be glad, if you want to provide a specific
24 reference or another document to cross-reference, I
25 will.

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1 Q. All right. Well sir, showing you what's
2 previously been marked as Plaintiffs' Exhibit 304,
3 this is a report on a visit to the U.S. and Canada
4 dated May -- I'm sorry, dated 17th April through 12th
5 May 1958 by three British scientists, Bentley, Felton
6 and Reid; right?

7 A. I'm not sure who the scientists are, but
8 certainly there's a document with those three names
9 on it.

10 Q. All right. And if you turn to the second page
11 of Exhibit 304, there is an itinerary for the trip
12 that the authors made that lists who they met with;
13 right?

14 MR. GALE: Objection. The witness hasn't
15 had an adequate time to review this document to see
16 if that's what in fact that is.

17 A. It infers, anyway, as far as the itinerary of
18 what their schedule would be --

19 Q. All right.

20 A. -- to me as reading it.

21 Q. Now if you turn to the third page of the
22 document there is an introduction, and it says at the
23 top, from our contacts in -- in the U.S.A. and
24 Canada, we sought information on the following: "The
25 extent to which it is accepted that cigarette smoke

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1 causes lung cancer, and, number 2. Up-to-date
2 evidence as to the carcinogenicity of smoke
3 condensates to animal tissues"; right?

4 A. That's what the words say.

5 Q. Then it goes on to talk about them trying to
6 find out the extent to which extrapolation from
7 animals to man is justified; right?

8 MR. GALE: Objection. That's not what this
9 document says.

10 A. Item 3 again says, as a listing, a bullet point,
11 "the extent to which extrapolation from animals to
12 mankind is justified."

13 Q. All right. Sir, would you turn to the
14 conclusions that the scientists drew or that -- I'm
15 sorry.

16 Would you turn to the conclusions that the
17 authors drew at the page that ends with Bates number
18 498.

19 A. Okay.

20 Q. Now there it says, under point number 1 on
21 conclusions, "Although there remains some doubt as to
22 the proportion of the total lung cancer mortality
23 which can fairly be attributed to smoking, scientific
24 opinion in the U.S.A. does not...seriously doubt the
25 statistical correlation is real and reflects a cause

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1 and effect relationship"; right?

2 MR. GALE: Objection, you've misread the
3 document.

4 A. The conclusions, at least on that page,
5 reference item number 1. There are other conclusions
6 as well, but at least item number 1, if you'd like me
7 to read it or if you'd like to read it.

8 Q. Why don't you read what item number 1
9 concluded.

10 A. Well the words say, "Although there remains some
11 doubt as to the proportion of the total lung cancer
12 mortality which can fairly be attributed to smoking,
13 scientific opinion" in the "U.S.A. does not now
14 seriously doubt that the statistical correlation is
15 real and reflects a cause and effect relationship."

16 Q. Sir, Brown & Williamson has never shared the
17 information that's stated in conclusion number 1 that
18 you just read with the public, has it?

19 MR. GALE: Objection, vague.

20 A. I couldn't speak to that. I'm not sure that
21 those specific words have been provided as a public
22 statement.

23 Q. Well sir, has Brown & Williamson -- I'm sorry.
24 Strike that.

25 Based on your historical review in preparation

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1 for this deposition, did you find any public
2 statement in which Brown & Williamson told the public
3 that -- in essence the information that's stated in
4 conclusion number 1?

5 A. I'm not sure that I've seen that specific
6 reference. Certainly our position has acknowledged
7 that there is -- there are many people who conclude
8 that there is a statistical correlation and that it
9 reflects a cause-and-effect relationship.

10 Q. But Brown & Williamson has never told the U.S.
11 public that scientific opinion in the U.S.A. does not
12 seriously doubt the statistical correlation is real
13 and reflects a cause-and-effect relationship; right?

14 MR. GALE: Objection, vague.

15 A. Again, to what everything Brown & Williamson --
16 Williamson has ever said on the topic I couldn't
17 speak to. I'm not aware that we've used those
18 specific words.

19 Q. Now sir, if you turn to the third point on the
20 next page, it says there, "The direct carcinogenicity
21 of smoke condensate to animal tissue, which is
22 consistent with direct causation, is now fully
23 confirmed but the evidence so far obtained makes it
24 unlikely that this activity is due to any single
25 'super carcinogen' in smoke"; right?

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1 A. That's what the words say.

2 Q. Did Brown & Williamson ever tell the public that
3 animal studies had shown direct carcinogenicity of
4 smoke condensate in animals?

5 A. Again, I'm not sure that we've ever used those
6 specific words, and I'm not sure what the reference
7 would be, why we would have done that.

8 Q. Well sir, you're aware that Brown & Williamson
9 engaged in what it called Project TRUTH as an attempt
10 to counter what it believed to be press
11 indoctrination by the antismoking lobby; right?

12 MR. GALE: Object to the characterization.

13 A. I don't know what the specific objectives were.
14 I can speak that -- at least that I'm aware of a
15 project called Project TRUTH.

16 Q. All right. And Project TRUTH was undertaken by
17 Brown & Williamson, wasn't it?

18 A. I honestly don't know. I'd have to confirm
19 that. I believe Brown & Williamson was involved,
20 whether it was strictly Brown & Williamson, I do not
21 know, or whether it was another organization within
22 B.A.T.

23 Q. Sir, showing you what's previously been marked
24 as Plaintiffs' Exhibit 3129, this is another document
25 by D. G. Felton concerning a visit to the United

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1 States, this time April 19th to the 24th of May,
2 1971; right?

3 A. That's what the title says.

4 Q. For the record, Exhibit 3129 is Bates numbered
5 620047750; right?

6 MR. GALE: Object. That's one Bates number
7 on the document.

8 A. The first page obviously is 620047750.

9 Q. Could you turn to the page that ends with Bates
10 number 47831.

11 A. Okay.

12 Q. And have you read this portion of the document
13 before, sir?

14 A. No, I have not.

15 Q. Why don't you take a moment and read the portion
16 that's under the stars.

17 A. Okay. All right. I've read at least that
18 section.

19 Q. This section of Exhibit 3129 concerns Project
20 TRUTH; right?

21 A. Since I haven't seen this document, I'd have to
22 go back and confirm that, but there is a reference in
23 the second paragraph to Project TRUTH.

24 Q. And it says there, "In order to counteract the
25 failure of the Industry public relations effort in

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1 the face of the anti-smoking barrage after the
2 Surgeon-General's Committee report in 1964, e.g., the
3 InterAgency Council (Horn), Action on Smoking and
4 Health (ASH" and "Banzhaff)," its -- "and its
5 pressure on the FCC for anti-smoking TV
6 advertisements etc., B&W decided that, unilaterally,
7 it must attempt to counter the press indoctrination
8 by the anti-smoking lobby"; right?

9 A. That's essentially correct. There was maybe a
10 word or two, but yes.

11 Q. All right. And sir, it goes on to say,
12 accordingly, statements expressed an opposite
13 viewpoint by competent doctors and scientists at the
14 Senate Hearings on Cigarette Labelling were collected
15 and presented in booklets with the aim of
16 reestablishing the controversy; right?

17 A. Again, some of the words were misspoken, but if
18 you'd like me to read it correctly, I would be glad
19 to.

20 Q. Well it says, accordingly, statements expressing
21 an opposite viewpoint by competent doctors and
22 scientists at the Senate Hearings on Cigarette
23 Labelling were collected and presented in booklets
24 with the aim of reestablishing the controversy;
25 correct?

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1 A. I read the word, in the next-to-the-last
2 sentence there, "were collated."

3 Q. "Collated," sorry.

4 A. That's all right. Sorry.

5 Q. But apart from that change, I read it correctly;
6 right?

7 A. That's correct.

8 Q. Now sir, do you have any information as you sit
9 here that is to the contrary about what is said in
10 this document about Project TRUTH?

11 MR. GALE: Objection, vague.

12 A. I'm not familiar with Project TRUTH, and as I
13 said, I really haven't had a chance to review this
14 document, if it specifically reviews Project TRUTH.

15 Q. Well sir, do you understand that as part of
16 Project TRUTH, Brown & Williamson made arrangements
17 for an article to appear in True magazine?

18 A. Again, I'm not familiar with the details of
19 Project TRUTH.

20 Q. Well I'm asking you a little bit different
21 question.

22 Are you aware of efforts that Brown & Williamson
23 made to have an article on the issue of whether
24 smoking caused disease published in True magazine in
25 the late '60s?

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1 A. I am not familiar.

2 MR. GALE: Objection, asked and answered.

3 You can answer it again.

4 A. I'm not familiar with that

5 (Plaintiffs' Exhibit 4411 marked for
6 identification.)

7 BY MS. WIVELL:

8 Q. Sir, showing you what's been marked as

9 Plaintiffs' Exhibit 4411, this is a document that
10 begins with the Bates number 690012567; right?

11 A. That's correct.

12 Q. Have you seen this document before, sir?

13 A. I have not.

14 Q. Why don't you take a few moments and review it.

15 A. Okay.

16 Q. Sir, Exhibit 4411 outlines the background of an
17 article that eventually was published in True
18 magazine in the beginning of 1968; right?

19 MR. GALE: Object to the characterization.

20 A. I'm not sure that I have the specific date of
21 publication from reading it. I've just read it
22 quickly for the first time.

23 Q. All right. Well let me rephrase the question.

24 You understand that this document outlines the
25 history of an article that appeared in True magazine

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1 in the late '60s.

2 MR. GALE: Objection, mischaracterizes this
3 document.

4 A. Well as I understand just reading the document,
5 it apparently references an article in True magazine
6 about smoking and health.

7 Q. An article that Brown & Williamson paid for;
8 right?

9 MR. GALE: Same objection.

10 A. Again, I can't really -- I'm not familiar with
11 the details of it. All I can speak to is what the
12 specifics of the note say. I can't make the
13 conclusion based on that.

14 Q. You have no information as you sit here today as
15 Brown & Williamson's spokesperson that contradicts
16 what is said in Exhibit 4411, do you?

17 A. I'm not familiar with the issue at all so I
18 can't say that I have information that confirms or
19 contradicts it.

20 Q. Well sir, according to this memo, Brown &
21 Williamson paid \$500 that eventually reached the
22 author of the article that appeared in True; right?

23 A. Again, I can draw conclusions, I guess everyone
24 who reads it could draw their conclusion. My
25 understanding is that Brown & Williamson did agree to

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1 make a payment for the author to write an article.

2 Q. And that au --

3 And you understand that that article was

4 eventually published; right?

5 A. At least a article was eventually published,

6 that's correct.

7 Q. Well -- By the way, the author was going to be

8 Stanley Frank; right?

9 A. The author --

10 MR. GALE: Object to the extent it calls

11 for speculation.

12 A. The author is referenced here as Mr. Frank.

13 (Plaintiffs' Exhibit 4412 marked for

14 identification.)

15 BY MS. WIVELL:

16 Q. Sir, showing you what's been marked as

17 Plaintiffs' Exhibit 4412, this is an article by

18 Stanley Frank that appeared in the January 1968 issue

19 of True magazine; right?

20 A. As I understand it, yes. I haven't seen it

21 before, but glancing through it, that's what it

22 appears to be.

23 Q. The title of the article is, "to smoke or not to

24 smoke - that is still the question"; right?

25 A. That's what the title states.

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1 Q. And it goes on to say, "Are cigarettes really
2 hazardous to your health like the package says?
3 Nobody knows. In any case, Americans are smoking
4 more than ever and, curiously, worrying less"; right?

5 A. That's what the introduction says to the
6 article.

7 Q. Now I would like you to look to the column on
8 the right-hand side of Exhibit 4412. Do you see the
9 paragraph that begins, "But it looks like Americans
10 will go on smoking more"?

11 A. Yes.

12 Q. Now would you read that to yourself, please.

13 A. Just the paragraph?

14 Q. Yes, sir.

15 MR. GALE: While he's reading, counsel,
16 would you mind reading the Bates numbers of this
17 document into the record so that it's clear.

18 MS. WIVELL: Certainly. For the record,
19 the Bates numbers are 50032 3725 on the first page.

20 MR. GALE: Okay. And continuous through
21 50032 3744.

22 A. Okay. I've read that paragraph.

23 Q. Sir, that paragraph tells the reader the answer
24 -- I'm sorry.

25 That paragraph tells the reader: "What are

1 these dangers? How real are they?" And then says,
2 "The answer to that is that they may not be so real
3 as we have been led to believe. There is, in fact, a
4 good deal of scientific data about the Surgeon
5 General's conclusion that smoking causes cancer";
6 right?

7 A. That's what those specific words say. I don't
8 know what in context, I haven't read the article.

9 Q. All right. Well sir, you didn't read this
10 article in preparation for your deposition today?

11 A. Did not.

12 Q. Well sir, are you aware that it goes on to cast
13 doubt on the link between cigarette smoking and
14 disease?

15 A. I'm sorry, the question again?

16 Q. Are you aware that the article goes on to cast
17 doubt between the link between cigarette smoking and
18 disease?

19 MR. GALE: Object.

20 A. I am not. I have not read the article.

21 MR. GALE: Object, calls for speculation
22 and mischaracterizes the document.

23 (Plaintiffs' Exhibit 4413 marked for
24 identification.)

25 BY MS. WIVELL:

1 Q. Well sir, showing you what's been marked as
2 Plaintiffs' Exhibit 4413, this is a document that
3 bears the Bates number 680262495; right?

4 A. Correct.

5 Q. Now Exhibit 4413 is an advertisement that has
6 along one side, "'THE OTHER SIDE,' The smoking and
7 health controversy, From White Paper No. 1"; right?

8 A. That's the title, that's correct.

9 Q. Now Brown & Williamson published this ad that's
10 Exhibit 4413, didn't it?

11 MR. GALE: Objection, outside of the scope
12 of this witness' designation.

13 A. I have absolutely no idea.

14 Q. You can't tell us one way or the other?

15 A. I do not know.

16 Q. Now sir, there is reference, if we look down
17 under the first long line, to a White paper. You're
18 familiar with the White paper that Brown & Williamson
19 published on the, quote, unquote, smoking-and-health
20 controversy, aren't you?

21 MR. GALE: Objection, vague.

22 A. I'm not.

23 Q. You are not?

24 A. Not specifically to that title, no.

25 Q. Well sir, isn't it a fact that Brown &

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1 Williamson published a number of different articles
2 that tried to establish that there was a controversy
3 about whether smoking caused disease?

4 MR. GALE: Object to the characterization.

5 A. I'm not aware that we've published articles
6 concerning a controversy.

7 Q. I'm sorry, my question was a little different,
8 or maybe I should restate it.

9 Isn't it a fact that Brown & Williamson has
10 published a number of different booklets that have
11 tried to establish that there was a controversy about
12 whether smoking caused disease?

13 MR. GALE: Objection, vague, object to the
14 characterization.

15 A. I'm not aware of the intent specifically to
16 communicate about the controversy of -- of tobacco.
17 I'm aware of a number of publications concerning our
18 position on smoking and health and a variety of other
19 business topics.

20 (Plaintiffs' Exhibit 4414 marked for
21 identification.)

22 BY MS. WIVELL:

23 Q. Sir, showing you what's been marked as
24 Plaintiffs' Exhibit 4414, this is a booklet that
25 Brown & Williamson published and made available to

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1 the public, isn't it?

2 A. I do not know. I've not seen this publication,
3 but it appears to be a Brown & Williamson
4 publication. There's no reference to a date, and I'm
5 not familiar with it.

6 Q. It says, "No. 1 of a series in the public
7 interest" at the top of Exhibit 4414, doesn't it?

8 A. That's what the document says, correct.

9 Q. For the record, it's exhibit -- 690029613 is its
10 beginning Bates number; right, sir?

11 A. That's correct.

12 Q. And Exhibit 4414 also says on its first page,
13 "CONTROVERSY: the right of dissent, the issue of
14 smoking and health remains an open dispute among
15 scientists"; right?

16 A. That's what the title says.

17 Q. And sir, isn't that the document that's actually
18 pictured in the ad, Exhibit 4413, down at the lower
19 right-hand corner?

20 MR. GALE: Objection, I don't know how you
21 can make that out.

22 A. Yeah, I can't really confirm that but it -- it
23 does reference as a title "For your copy of the
24 complete White Paper No. 1, please write to:," so I
25 would assume, cross-referencing that, that would be

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1 correct.

2 Q. And sir, isn't it a fact that Brown & Williamson
3 published Exhibit 4414 in a number of other
4 publications in an attempt to try and convince
5 smokers that there was a controversy which existed
6 about whether smoking caused disease?

7 MR. GALE: Object to the characterization.
8 Objection, vague.

9 A. I can't speak to the purpose of this particular
10 publication. Obviously I can speak to what the title
11 says. I'm not familiar with this publication, I have
12 not seen a date on this publication, I haven't had a
13 chance to read it either.

14 Q. Well sir, could you turn to the second page of
15 Exhibit 4414. There it says, "In responding to
16 various attacks on smoking, the cigarette industry
17 has repeatedly issued the statement: 'There is no
18 clinical proof that cigarette smoking causes human
19 diseases'"; right?

20 A. That's what the document says, that's correct.

21 Q. Well sir, if a person had written in and been
22 sent or somehow received a copy of Exhibit 4414,
23 would it be appropriate for them to believe what's
24 said in that first paragraph, that there is no
25 clinical proof that cigarette smoking causes disease?

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1 A. Well if you read that statement, it says, "In
2 responding to various attacks, the cigarette industry
3 has repeatedly issued the statement: 'There is no
4 clinical proof that cigarette smoking causes human
5 diseases'," so an individual could assume that that's
6 the position at that time of the company.

7 Q. Well sir, does Brown & Williamson share, in this
8 exhibit, the information that we looked at from
9 Exhibit 304 that there remains little doubt that a
10 statistical correlation between smoking and health is
11 real and reflects a cause-and-effect relationship?

12 MR. GALE: Objection. Objection.

13 A. The two documents, as far as I can tell, I'm not
14 sure have any real bearing on each other. Document
15 304, Exhibit 304 again, I'm not sure who the authors
16 were, what the conclusions were that they were
17 stating and this (Ex. 304) apparently was a
18 scientific review, whereas this (Ex. 4414) was a
19 public position statement by the company.

20 Q. Well sir, you would agree that Brown &
21 Williamson has a responsibility to share accurate
22 scientific information with the public when it speaks
23 about the issues of smoking and health, wouldn't
24 you?

25 MR. GALE: Object to the extent it calls

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1 for a legal conclusion.

2 A. I believe the company has a position to
3 communicate its position on smoking-and-health
4 issues.

5 Q. Well sir, does it also have a positi -- or
6 responsibility to communicate accurate facts that it
7 knows that reflect on the issue of whether smoking
8 causes disease?

9 MR. GALE: Same objection.

10 A. The company has a responsibility to communicate
11 information that it knows as fact and has taken as a
12 position statement.

13 Q. So if it knows something as fact but it
14 contradicts the position the company's taken, it
15 doesn't have to share that information with the
16 public, is that your testimony, sir?

17 MR. GALE: Objection, argumentative,
18 mischaracterizes testimony.

19 A. As I said, the company has a responsibility to
20 communicate its conclusion and -- and determination
21 of the facts and its position on smoking and health
22 and other topics.

23 Q. I'm not sure you answered my question, sir.

24 If it knows something to be a fact, but that
25 fact contradicts the public position the company has

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1 taken, doesn't Brown & Williamson have a
2 responsibility to share that information with the
3 public?

4 MR. GALE: Same objections, also asked and
5 answered.

6 A. Again, if the responsibility -- The
7 responsibility of the company is to communicate its
8 position and its determination of facts, so it would,
9 as asked, or would be responsible to provide
10 information or respond to questions that it considers
11 to be factual.

12 Q. Well sir, if the company knows facts and they
13 just don't fit in with the position it's taken, are
14 you telling the ladies and gentlemen of the jury that
15 it's okay for Brown & Williamson to misrepresent
16 those facts?

17 MR. GALE: Objection, argumentative,
18 mischaracterizes the witness' testimony.

19 A. As I said, the responsibility of the company is
20 to communicate its decision or its determination of
21 facts concerning smoking or health or any other
22 business issue.

23 Q. Now sir, let me ask you this. Brown &
24 Williamson's position is today and has always been
25 that cigarette smoking is not addictive; right?

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1 A. It is Brown & Williamson's official position
2 that cigarette smoking is not addictive, depending
3 upon the definition of addictive, but certainly from
4 the classical definition that most people would
5 assume as addictive.

6 (Plaintiffs' Exhibit 4415 marked for
7 identification.)

8 BY MS. WIVELL:

9 Q. Sir, showing you what's been marked as
10 Plaintiffs' Exhibit 4415, this is a press release
11 issued by Brown & Williamson dated May 10th, 1994;
12 right?

13 A. That's correct.

14 Q. And for the record, the Bates number is
15 202337394; right?

16 A. Correct.

17 Q. Now sir, this press release basically tells
18 people who were to read it that Brown & Williamson's
19 position has been and still is that cigarette smoking
20 is not addictive; right?

21 A. Well the first paragraph doesn't reference
22 nicotine or addiction at all. I'd be glad to read
23 it.

24 Q. Well take a look beginning at the third
25 paragraph, sir, that starts out, "It has always been

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1 B&W's position -- and still is-- that cigarette
2 smoking is not addictive..."

3 A. Well specifically if you'd like me to read the
4 reference, I'd be glad to.

5 Q. All right. Why don't you read the next couple
6 of paragraphs to yourself.

7 A. I meant into the record. I'd be glad to read it
8 into the record if you'd like it clarified.

9 MR. GALE: Well the statement that counsel
10 asked the witness to sign onto is a partial sentence,
11 and I object to that mischaracterization of the
12 document.

13 A. Would you like me to read the entire paragraph,
14 or would you like me to read it to myself?

15 Q. Well sir, let me just -- Why don't you read the
16 rest of the press release to yourself.

17 A. Okay. But I would like to state that that
18 reference that you had was only a partial sentence.

19 Q. We'll come back to it, sir. Don't worry.

20 A. Okay.

21 MR. GALE: Counsel, was Exhibit 4415
22 included in any of the various predesignation lists
23 that you provided to us? We're having trouble
24 finding it.

25 MS. WIVELL: I know it was on the list that

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1 I sent you on Friday. I know that for a fact.

2 MR. GALE: Okay. So you don't know if it
3 was on either of the ones that you provided us before
4 then?

5 MS. WIVELL: I believe it was, but frankly
6 I check -- when I checked to make sure I could use it
7 I checked the latest list and there it was, so I know
8 it was -- it was on that list.

9 MR. FRIBLEY: For the record, it doesn't
10 appear to have been predesignated either on the 22nd
11 or the 25th of September.

12 MR. GALE: We object to its use on that
13 basis.

14 THE WITNESS: I've read it.

15 Q. Sir, your counsel has objected to Exhibit 4415
16 so let's put it aside and let me ask you this
17 question.

18 Does Brown & Williamson believe today that
19 smoking is addictive?

20 MR. GALE: Objection, asked and answered.

21 A. I've I think explained our position that smoking
22 and nicotine in a clinical sense, in a true sense of
23 addictive, of what most people would consider
24 addictive, that we do not believe it is.

25 Q. Now --

1 And sir, Brown & Williamson has made statements
2 to the public and to the press claiming that
3 cigarette smoking is not addictive; right?

4 A. Again, based on our determination of the
5 information we have available, our understanding and
6 our definition of the clinical definition of
7 addiction, that is correct.

8 Q. Sir, showing you what's previously been marked
9 as Plaintiffs' Exhibit 755, this is a Brown &
10 Williamson document that begins with the Bates number
11 680096095; right?

12 A. That's the number, that's correct. I don't know
13 that it's a Brown & Williamson document.

14 Q. Well it says at the top, "(B&W) PROTECTED BY
15 MINNESOTA TOBACCO LITIGATION PROTECTIVE ORDER";
16 right?

17 A. That's what appears to be the title of the
18 copy. It doesn't necessarily state on the cover of
19 it that it is Brown & Williamson -- Brown &
20 Williamson's document.

21 Q. Well sir, you've read this document, haven't
22 you?

23 A. I'm not sure that I have. I've read or scanned
24 a number of documents, and I'm not sure that I have
25 read this one.

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1 Q. All right. Well let's turn to the page that
2 ends with Bates number 106.

3 A. Okay.

4 Q. There at the top of the page is the heading
5 "Addictive Smoking;" right?

6 A. That's correct.

7 Q. And it says, The addictive smoker smokes for
8 both enjoyment and to reduce unpleasant feelings;
9 right?

10 A. Actually just reversed a couple of words there,
11 but "The addictive smoker smokes both for enjoyment
12 and to reduce unpleasant feelings."

13 Q. And sir, isn't it a fact that Brown & Williamson
14 has known since the early '60s that cigarette smoking
15 is addictive?

16 MR. GALE: Objection, grossly
17 mischaracterizes this document, attempts to take a
18 paragraph out of the middle of the document that's
19 attributable to someone outside the company.

20 A. Yeah, I have no idea what this quote is or what
21 the reference is, and again, as far as our stated
22 position, I think I've communicated what that stated
23 position is.

24 Q. Sir, I understand what your stated position is.
25 I'm asking you isn't it true that Brown & Williamson

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1 has had information in its files from scientists
2 involved with the company and with its sister
3 companies that showed that since the early '60s it
4 has been known that cigarette smoking is addictive?

5 MR. GALE: Objection, vague,
6 argumentative.

7 A. I'm not aware of that. That would be a
8 conclusion drawn from all of the documents that would
9 be impossible for me to do.

10 Q. All right.

11 A. And they would be scientific documents which I'm
12 really not the expert to review.

13 Q. Sir, showing you what's previously been marked
14 as Plaintiffs' Exhibit 552, this document is entitled
15 "A TENTATIVE HYPOTHESIS ON NICOTINE ADDICTION" for
16 the British-American Tobacco Company, Limited by K.
17 Hasselbach and C. Libert, correct, or O. Libert;
18 correct?

19 A. It's hard to read, but that's what it appears to
20 say, yes.

21 Q. For the record, Exhibit 552 begins with the
22 Bates number 536480912; right?

23 A. This isn't stamped with an exhibit number, but
24 it's 536480912 is the cover page.

25 Q. All right. Would you turn to the last page of

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1 the document and read into the record what it says
2 from this May 1963 document that begins, "In
3 conclusion."

4 MR. GALE: Objection, out of context,
5 thereby mischaracterizing the document.

6 A. If all you're looking for is for me to provide
7 the -- the written words for the record, I can do
8 that. I have no idea what the reference is to the
9 document, I don't remember seeing this document, and
10 if you're just asking me to read the words, I'd be
11 more than happy to do that.

12 Q. Please do. Please begin and tell the jury what
13 this document says following the words "in
14 conclusion."

15 A. Well as I said, I'd be glad to just read the
16 words, it's not my --

17 Q. Please do.

18 A. -- interpretation, and I'm not familiar with the
19 -- with the document. It would be impossible for me
20 to know what the context is or what the reference is,
21 but if you'd like me to, I'll read that paragraph.

22 It says, "In conclusion, a tentative hypothesis
23 for the explanation of nicotine addiction would be
24 that of an unconscious desire to" -- I can't --

25 Q. Restore?

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1 A. -- I'm not sure I can understand that word. I'm
2 -- "to" blank "the normal physiological equilibrium
3 of the" -- I don't know what that word is --
4 "releasing system in a body in which the normal
5 functioning of the system has been weakened by
6 chronic intake of nicotine."

7 MR. GALE: Note for the record that the
8 document's very difficult to read.

9 Q. Sir, isn't it a fact that Brown & Williamson has
10 had documents in its files from scientists within the
11 company that show that nicotine is addictive while it
12 says publicly that nicotine is not addictive?

13 MR. GALE: Objection, mischaracterizes
14 testimony and documents, vague, argumentative.

15 A. I don't know what this document is. As I said,
16 this is the first time I've seen it, and if you're
17 referring specifically to this document, I'm not
18 aware that it's a Brown & Williamson document. It
19 has no reference that I've seen to Brown &
20 Williamson.

21 Q. Sir, let me show you what's --

22 MR. GALE: Counsel, I just note for the
23 record we're an hour and fifteen minutes,
24 approximately, into this deposition that was
25 scheduled for an hour.

1 MS. WIVELL: For approximately an hour,
2 sir.

3 MR. GALE: I just wanted some kind of an
4 understanding from you how long you think you've got
5 left.

6 MS. WIVELL: Five minutes.

7 MR. GALE: Great.

8 BY MS. WIVELL:

9 Q. Sir, showing you what's previously been marked
10 as Plaintiffs' Exhibit 178, this is a document from
11 two Brown & Williamson -- or from a Brown &
12 Williamson employee to another Brown & Williamson
13 employee; correct?

14 A. I have no idea. There's no reference here that
15 would infer it's a Brown & Williamson document.

16 Q. It says, "(B&W) PROTECTED BY MINNESOTA TOBACCO
17 LITIGATION PROTECTIVE ORDER" at the top; right?

18 A. I assume that's something that was put on each
19 of these documents. I'm -- Again there's no
20 reference here that would show it's a Brown &
21 Williamson document.

22 Q. For the record, Exhibit 178 is Bates numbered
23 665043966; right?

24 MR. GALE: I'll note that that's
25 handwritten on the document, not stamped like most of

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1 the Bates numbers in the production in this
2 litigation.

3 A. That's correct.

4 Q. Now sir, this document is dated August 24th,
5 1978; right?

6 A. This document is dated August 24th, that's
7 correct.

8 Q. And the second paragraph begins "Very few
9 consumers are aware of the effects of nicotine, i.e.,
10 its addictive nature and that nicotine is a poison."
11 Did I read that correctly?

12 A. That's the words. I haven't read the document.
13 I'd be glad to read it, because again I have not seen
14 this document.

15 Q. Well sir, you understand that this document was
16 designated to be used in this deposition, don't you?

17 A. I guess that's possible. There were dozens of
18 documents designated, and I haven't had a chance to
19 review all of them.

20 MR. GALE: I'll note for the record they
21 filled four full boxes.

22 Q. Sir, isn't it true that Brown & Williamson knew
23 internally that smoking was addictive to smokers but
24 said publicly over and over again over the years that
25 smoking was not addictive?

1 MR. GALE: Objection, mischaracterizes the
2 evidence, argumentative.

3 A. I'm not aware of that. As I've mentioned, Brown
4 & Williamson has a stated public position on smoking
5 and nicotine and addiction.

6 Q. And that stated public position is that nicotine
7 and smoking is not addictive; right?

8 MR. GALE: Objection, asked and answered
9 several times now.

10 A. As I've said, our position is that nicotine and
11 smoking, in the classical sense of addiction, does
12 not -- or nicotine is not addictive in the classical
13 sense.

14 Q. Well sir, you're aware that the surgeon general
15 of the United States has drawn a different conclusion
16 concerning nicotine, aren't -- and the addictiveness
17 of nicotine, aren't you?

18 A. Not necessarily.

19 Which surgeon general or which time frame? I
20 think there have been several different positions.

21 Q. And you understand that the current position is
22 that nicotine in cigarettes is addictive; right?

23 A. I think those words have been used.

24 Q. And you would agree that the vast majority of
25 scientists who address the issue believe that

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1 cigarette smoking is addictive; right?

2 MR. GALE: Objection, calls for
3 speculation, outside the scope of the 30.02(f)
4 designation for this witness.

5 A. Yeah, I would not be familiar with all of the
6 scientific review of that topic.

7 Q. And sir, isn't it true that Brown & Williamson,
8 in its publications that it made available to the
9 public that addressed the issue of addiction,
10 basically derided the suggestion that nicotine was
11 addictive?

12 MR. GALE: Object to the characterization.

13 A. I'm not aware of that. I believe again that our
14 public position has been stated, whether in documents
15 or orally.

16 (Plaintiffs' Exhibit 4416 marked for
17 identification.)

18 BY MS. WIVELL:

19 Q. Sir, showing you what's been marked as
20 Plaintiffs' Exhibit 4416, this is a pamphlet entitled
21 "QUESTIONS ON TOBACCO" that Brown & Williamson
22 produced, isn't it?

23 A. Again, just getting handed this, yes, it is.

24 Q. For the record, Exhibit 4416 is Bates numbered
25 680908683; right?

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1 A. That's correct.

2 Q. And if we turn to the second page in the
3 left-hand column, there is a question about whether
4 cigarette smoking is addictive; right?

5 A. I'm sorry, where are you?

6 Q. The right-hand column on the second page.

7 A. Oh, right-hand column, I'm sorry. There is a
8 question that states, "Doesn't the fact that people
9 have trouble quitting smoking prove that it's
10 addictive and a harmful drug?"

11 Q. And sir, would you read to yourself the answer?

12 A. Okay.

13 Q. Sir, you would agree that reading that answer a
14 person could conclude that Brown & Williamson does
15 not believe smoking is addictive; right?

16 A. It would probably be best to read it and let
17 someone make their own determination.

18 Q. Well I'm asking you, sir, reading this does
19 Brown & Williamson admit smoking is addictive?

20 MR. GALE: Objection, argumentative.

21 A. First of all that's not the question
22 necessarily. What is stated here is an observation
23 about people having trouble stopping any habit, and
24 smoking is a habit, like drinking coffee.

25 Q. And then at the end it says, that doesn't sound

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1 like addiction, does it -- doesn't it?

2 A. That's correct, that's what it says.

3 Q. And sir, would you agree that a person who read
4 any of Brown & Williamson's public statements about
5 the issue of whether cigarette smoking causes
6 addiction could reasonably conclude that smoking was
7 not addictive?

8 A. No, what they would conclude is that Brown &
9 Williamson has taken the position that it is not
10 addictive.

11 Q. Now sir, isn't it true that Brown & Williamson
12 has taken the position that cigarette smoking is not
13 addictive because one cannot claim that a person has
14 free choice to quit smoking if they're addicted?

15 MR. GALE: Objection, calls for a legal
16 conclusion, argumentative.

17 A. I'm not sure I understand the question.

18 Q. Well sir, Brown & Williamson likes to say it
19 should be a person's choice to smoke; right?

20 A. That's correct.

21 Q. And you would agree that if a person is addicted
22 to smoking they really don't have a choice whether or
23 not to continue smoking; right?

24 MR. GALE: Objection, calls for a
25 scientific conclusion beyond the scope of this

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1 witness' designation, also calls for a legal
2 conclusion.

3 A. Obviously I can't speak to the scientific
4 aspects, but an individual in a classic sense of
5 addiction would not be able to give up that
6 habit --

7 Q. And isn't it true --

8 A. -- easily.

9 Q. -- that the cigarette industry refuses to
10 conclude -- or, I'm sorry, strike that.

11 Isn't it true that the cigarette industry
12 refuses to admit that cigarette smoking is addictive
13 because it cannot defend continued smoking as free
14 choice if the person is addicted?

15 MR. GALE: Objection, calls for a legal
16 conclusion, argumentative.

17 A. The determination for the company position is
18 based on our review of the science and the company's
19 decision to make a -- or to analyze that information
20 and to make a decision on a policy statement.

21 Q. Sir, showing you what's previously been marked
22 as Plaintiffs' Exhibit 450, this is a memo from one
23 Tobacco Institute employee, Mr. Knopick, to another,
24 Mr. Kloepper, dated September 9th, 1980.

25 Now for the record, Exhibit 450 is Bates

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1 numbered TIMN 0107822 on its first page. Would you
2 please turn to the last page and read that paragraph
3 to yourself, sir.

4 MR. GALE: You don't want him to look at
5 anything else in the document, counsel?

6 A. I've never seen this document and I, again,
7 don't know that it's Tobacco Institute or anyone
8 else, it could be -- I'm not familiar with the
9 document.

10 Q. All right, sir. Well I want you to assume that
11 it's from one Tobacco Institute employee to another.
12 With that in mind, would you please --

13 A. Well I can't assume that, I don't know that for
14 a fact but --

15 Q. Well, all right.

16 Sir, would you please read the last paragraph
17 for yourself?

18 A. I'd like to read the document if I could.

19 Q. Well fine, go ahead and read the document.

20 A. Okay. I've read the document.

21 Q. The last paragraph says, Shook, Hardy --

22 By the way, do you know who "Shook Hardy" is?

23 A. I believe it's a law firm.

24 Q. It's a law firm that represents many, many of
25 the cigarette manufacturers who have been sued in

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1 this case; right?

2 MR. GALE: Object to the extent it calls
3 for speculation or to the extent it calls for a legal
4 conclusion.

5 Also I'll caution you, Mr. Stone, you should not
6 reveal any substance of communications you've had
7 with any lawyers. Ms. Wivell understands that that's
8 an improper question to the extent it looks for that
9 information.

10 THE WITNESS: Okay.

11 A. Shook Hardy, as I understand it, is a law firm.

12 Q. And it represents cigarette manufacturers,
13 doesn't it?

14 A. Again, I believe they do.

15 Q. It says, "Shook, Hardy reminds us, I'm told,
16 that the entire matter of addiction is the most
17 potent weapon a prosecuting attorney can have in a
18 lung cancer/cigarette case. We can't defend
19 continued smoking as 'free choice' if the person was
20 'addicted'"; correct?

21 A. Well I think back to your original point, the
22 paragraph doesn't say that. It has an additional
23 sentence to it that you did not read. I'd be glad to
24 read the entire passage, if you'd like.

25 Q. Sir, did I read that portion of the paragraph

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1 correctly?

2 A. That portion of it, yes, but I think your
3 original question was does the paragraph start.

4 Q. No, I don't think that was.

5 A. Okay. Sorry.

6 Q. But sir, let me ask you this. Isn't it true
7 that Brown & Williamson denied smoking was addictive
8 in order to help smokers rationalize their decision
9 to smoke?

10 MR. GALE: Objection, mischaracterizes this
11 document. This is not even a Brown & Williamson
12 document.

13 A. I'm not familiar with how this document would
14 reference our public position. I'm not aware that it
15 has any reference to our public position.

16 Q. I'm not referencing that document, sir.

17 Isn't it true that Brown & Williamson denied
18 smoking was addictive in order to help smokers
19 rationalize their decision to smoke?

20 A. I believe that our position has always been that
21 smoking and nicotine cannot be considered addictive
22 in a classical sense.

23 Q. Well keeping in mind that that's your position,
24 isn't it true that one of the reasons that you've
25 taken that position is to help the addicted smoker

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1 rationalize smoking even when they become seriously
2 ill and lose organs?

3 A. That seems like an unusual question. I'm not
4 sure I understand it.

5 The position of the company has been that
6 smoking and nicotine is not addictive in the
7 classical sense. That is based on our review of the
8 documents of scientists and our review of the issue.
9 I'm not aware of any other reason that we would have
10 come to that conclusion.

11 Q. Well sir, isn't it a fact that Brown &
12 Williamson's files are replete with references to the
13 fact that smoking is addictive?

14 MR. GALE: Object to the characterization.

15 A. I believe in the documents that I've read there
16 are various passages that talk about the issue of
17 addiction. I would not characterize that as
18 conclusions drawn by the company.

19 Q. Well sir, you would agree that Brown &
20 Williamson had evidence from scientists, including a
21 psychologist within a sister company, that cigarette
22 smoking was addictive?

23 MR. GALE: Object, mischaracterizes
24 documents to the extent you're referring to specific
25 documents, calls for a legal conclusion, calls for

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1 scientific conclusions beyond the designation of this
2 witness.

3 A. Again, as you well know, there are lots of
4 documents within our organization. For me to talk
5 about what each one says, I do not know. Scientific
6 documents that I've looked at have acknowledged or
7 have referenced the addictive nature of tobacco and
8 tried to define that.

9 Our company position and stated public position
10 is that smoking and nicotine is not addictive in the
11 classical sense.

12 Q. Well sir, you would agree that a smoker who
13 heard or read Brown & Williamson's publicly stated
14 position that smoking and nicotine are not addictive
15 in the classical sense should have been able to trust
16 Brown & Williamson to be speaking accurately; right?

17 A. Well I would certainly believe that any consumer
18 that inquired about Brown & Williamson's position or
19 read Brown & Williamson's position would take it in
20 the context of what every other person may have been
21 saying about tobacco or about the addictive nature of
22 tobacco. Certainly as far as the facts as Brown &
23 Williamson presented them in our position statement
24 would be that we would consider them factual.

25 Q. Well you would agree that cigarette smokers who

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1 read Brown & Williamson's public position that
2 cigarette smoking was not addictive reasonably could
3 have expected Brown & Williamson to be telling the
4 truth; right?

5 MR. GALE: Objection, asked and answered
6 several times by this point. Also object to the
7 extent it calls for a legal conclusion.

8 A. Again, Brown & Williamson's public position has
9 been that smoking and nicotine are not addictive in
10 the classical sense.

11 Q. I understand that that's their public position.
12 And you would agree that a person, a smoker reading
13 or relying -- or, I'm sorry-- reading or hearing that
14 statement should have been able to have confidence
15 that Brown & Williamson was speaking the truth;
16 right?

17 A. They should have confidence that that is Brown &
18 Williamson's stated position, that's correct.

19 Q. And they should have confidence that that is the
20 truth; right?

21 A. They should have confidence that that is Brown &
22 Williamson's determination and decision to state that
23 as a public position.

24 Q. And sir, they also should have the right to be
25 able to believe that what Brown & Williamson was

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1 saying was accurate; right?

2 MR. GALE: Objection, asked and answered
3 multiple times at this point.

4 A. I've stated it I don't know how many times.

5 Q. Well I understand. I understand that Brown &
6 Williamson had facts concerning that cigarette
7 smoking was addictive, I understand that Brown &
8 Williamson's public position was that it was not.
9 You would agree --

10 MR. GALE: Objection, mischaracterizes the
11 testimony.

12 Q. You would agree, sir, that it would be improper
13 for Brown & Williamson to mislead the public as to
14 the nature of smoking and cigarette addiction;
15 right?

16 MR. GALE: Objection, asked and answered
17 many, many times.

18 A. I'm not sure what else I can add at this point.
19 If you'd like me to go through it again, I'd be glad
20 to.

21 Q. Well sir, you would agree that it would be wrong
22 for Brown & Williamson to, in stating its public
23 position on smoking and addiction, to mislead or
24 misstate the evidence; right?

25 MR. GALE: Same objection.

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1 A. It would be inappropriate for the company to
2 take a public position that it not -- that it did not
3 feel was substantiated by the information it had
4 available.

5 MS. WIVELL: Okay. I have nothing
6 further.

7 MR. FRIBLEY: For the record, we'll read
8 and sign all different segments of this 30.02(f)
9 deposition, so we only have to put it on the record
10 once.

11 THE REPORTER: Off the record, please.

12 (Deposition adjourned at approximately
13 11:27 a.m.)

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1 C E R T I F I C A T E

2 I, Debby J. Campeau, hereby certify that I
3 am qualified as a verbatim shorthand reporter; that I
4 took in stenographic shorthand the testimony of
5 PATRICK L. STONE at the time and place aforesaid; and
6 that the foregoing transcript consisting of 78 pages
7 is a true and correct, full and complete
8 transcription of said shorthand notes, to the best of
9 my ability.

10 Dated at Lino Lakes, Minnesota, this 20th
11 day of September, 1997.

12

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14

15 DEBBY J. CAMPEAU, RPR

16 Notary Public

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1 S I G N A T U R E P A G E

2 I, PATRICK L. STONE, the deponent, hereby
3 certify that I have read the foregoing transcript,
4 consisting of 78 pages, and that said transcript is a
5 true and correct, full and complete transcription of
6 my deposition, except per the attached corrections,
7 if any.

8

9 (Please check one.)

10 ___ Yes, changes were made per the attached

11 ___ (#) Signature Page Addendums.

12

13 ___ I have made no changes.

14

15

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PATRICK L. STONE

21

Deponent

22

Sworn and subscribed to before me this day

23

of , 199__.

24

Notary Public

25

My commission expires:

(DJC)

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